

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STRUCTURAL POLYMER GROUP, LTD.,)	
and STRUCTURAL POLYMER)	
SYSTEMS, LTD.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 4:05-CV-321 (CEJ)
)	
ZOLTEK CORPORATION,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion to set the amount of *supersedeas* bond.

Plaintiffs filed a two-count complaint alleging that defendant refused to supply large-tow carbon fiber in breach of a ten-year requirements contract. On November 29, 2006, a jury entered verdicts in favor of plaintiffs in the amount of \$21,138,518 on Count I and \$14,906,377 on Count II for "actual damages" through December 31, 2006. Judgment was entered on the verdicts on December 7, 2006. By separate order entered this same date, the Court has concluded that the jury awards are duplicative and will enter an amended judgment in the amount of \$21,138,518. In addition, plaintiffs as the prevailing parties will be entitled to recover costs.


The purpose of a *supersedeas* bond is to secure the appellee from loss resulting from a stay of execution of judgment. Federal Prescription Serv., Inc. v. American Pharmaceutical Ass'n, 636 F.2d 755, 760 (D.C. Cir. 1980); see also Olcott v. Delaware Flood Co., 76 F.3d 1538, 1559 (10th Cir. 1996) (bond secures judgment during

appeal against possible insolvency of judgment debtor). A supersedeas bond in the amount of \$23,500,000 should be sufficient to satisfy the judgment, plus costs, interest, and damages for delay.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to set the amount of bond [#390] is **granted**.

IT IS FURTHER ORDERED that defendant shall promptly file a bond in the amount of \$23,500,000.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 11th day of April, 2007.